

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 16 be amended to read as follows:

1       Page 147, between lines 29 and 30, begin a new paragraph and  
2       insert:

3       "SECTION 162. IC 36-7-2-1 IS AMENDED TO READ AS  
4       FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. **(a) Except as**  
5       **provided in subsection (b)**, this chapter applies to all units except  
6       townships.

7       **(b) A unit consisting of:**

8       **(1) two (2) or more townships; and**

9       **(2) at least one (1) municipality;**

10       **that have reorganized under IC 36-1.5 may exercise planning and**  
11       **zoning power under IC 36-7-4 if the unit's plan of reorganization**  
12       **under IC 36-1.5 authorizes the unit to exercise planning and zoning**  
13       **powers.**

14       SECTION 163. IC 36-7-4-107 IS ADDED TO THE INDIANA  
15       CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
16       [EFFECTIVE JULY 1, 2008]: **Sec. 107. If a provision of this chapter**  
17       **requires a power to be exercised by adoption of an ordinance, a**  
18       **unit described in IC 36-7-2-1(b) shall exercise the power by**  
19       **adoption of a resolution.**

20       SECTION 164. IC 36-7-4-202.5 IS ADDED TO THE INDIANA  
21       CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
22       [EFFECTIVE JULY 1, 2008]: **Sec. 202.5. (a) ADVISORY.**  
23       **Notwithstanding any other law, the legislative body of a unit**  
24       **described in IC 36-7-2-1(b) may establish by resolution an advisory**  
25       **plan commission.**

26       **(b) ADVISORY. If an advisory plan commission is established**  
27       **under this section by a unit described in IC 36-7-2-1(b) and the unit**  
28       **adopts a comprehensive plan under this chapter:**

29       **(1) the plan commission of the unit shall exercise the planning**  
30       **and zoning functions within the unit;**

31       **(2) the plan commission unit may not exercise planning and**

zoning functions within a municipality that has established a plan commission under this chapter (other than a municipality that participated in the reorganization of the unit under IC 36-1.5);

(3) a county plan commission may not exercise planning and zoning functions within the unit; and

(4) except as provided in subdivision (2), a municipal plan commission of a municipality (other than a municipality that participated in the reorganization of the unit under IC 36-1.5) may not exercise planning and zoning functions within the unit.

Notwithstanding any other law, if a municipality (other than a municipality that participated in the reorganization of the unit under IC 36-1.5) annexes territory within a unit described in IC 36-7-2-1(b) after the unit has established an advisory plan commission under this section, the municipal plan commission of that municipality may not exercise planning and zoning functions within that annexed territory.

(c) **ADVISORY.** Except as specifically provided in this chapter, an advisory plan commission established under this section by a unit described in IC 36-7-2-1(b) shall exercise the planning and zoning functions within the unit in the same manner that a municipal plan commission established under this chapter exercises planning and zoning functions for a municipality.

(d) **ADVISORY.** Notwithstanding any other provision, if an advisory plan commission is established under this section by a unit described in IC 36-7-2-1(b), the legislative body of the unit shall by resolution or in the unit's plan of reorganization under IC 36-1.5 determine:

(1) the number of members to be appointed to the unit's advisory plan commission;

(2) the person or entity that shall appoint or remove those members;

(3) any required qualifications for those members;

(4) the terms of those members; and

(5) whether any members or advisory members shall be appointed by the county in which the unit is located or by a municipality located within the unit.

SECTION 165. IC 36-7-4-901.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 901.5. (a) If an advisory plan commission is established under this section by a unit described in IC 36-7-2-1(b) and the unit adopts a comprehensive plan under this chapter, the legislative body of the unit shall establish a board of zoning appeals.

(b) A board of zoning appeals established under this section:

(1) shall exercise its powers and duties under this chapter within the unit in the same manner that a municipal board of

1 zoning appeals established under this chapter exercises  
2 powers and duties under this chapter for a municipality; and  
3 (2) may not exercise its powers and duties under this chapter  
4 within a municipality that has established a plan commission  
5 under this chapter (other than a municipality that  
6 participated in the reorganization of the unit under  
7 IC 36-1.5).

8 (c) Notwithstanding any other law, if the legislative body of a  
9 unit described in IC 36-7-2-1(b) establishes a board of zoning  
10 appeals under this section, the legislative body of the unit shall by  
11 resolution determine:

- 12 (1) the number of members to be appointed to the unit's board  
13 of zoning appeals;  
14 (2) the person or entity that shall appoint or remove those  
15 members;  
16 (3) any required qualifications for those members; and  
17 (4) the terms of those members."

18 Renumber all SECTIONS consecutively.

(Reference is to SB 16 as reprinted January 18, 2008.)

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Senator DROZDA